

**BEST AVAILABLE COPY****RECEIVED**  
CENTRAL FAX CENTER**JAN 08 2007**

Serial No. 09/807,878

Page 15 of 17

**REMARKS**

Claims 1-30 have been canceled. Claims 31-64 remain pending in the application.

Claims 31-43, 48-62, and 64 have been withdrawn from consideration. Applicant amends claims 44 and 63 for clarification, and refers to Fig. 12 and its corresponding description in the specification for an exemplary embodiment of and support for the claimed invention. No new matter has been added.

Applicant respectfully requests that the Examiner indicate acceptance of the drawings.

Claims 44-47 and 63 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,256,500 to Yamashita. Applicant amends claims 44 and 63 in a good faith effort to clarify the invention as distinguished from the cited reference, and respectfully traverses the rejection.

The Examiner referred to the description in Yamashita of system information containing available channels "(for both macro cell radio base stations and micro cell radio base stations)" as alleged disclosure of the claimed call setup information "for use by the mobile station to allocate respective uplink and downlink channels ..." Col. 5, lines 40-50 of Yamashita. Such portions of Yamashita only include description of "available" channels for switching to at macro and micro cells, and, therefore, do not include any disclosure of the claimed allocation, at call setup, of an uplink channel and a downlink channel between a mobile station and a network that includes at least one further base station.

In other words, Yamashita, as cited and relied upon by the Examiner, fails to disclose,

"[a] mobile station, for use in a cellular communications network, comprising:

a call setup information receiving portion, operable in a call setup process for setting up a call between the network and the

84187235\_1.DOC

**BEST AVAILABLE COPY**

Serial No. 09/807,878

Page 16 of 17

mobile station, to receive from a first base transceiver station of the network call setup information for use by the mobile station to allocate, at call setup, an uplink channel and a downlink channel between the mobile station and the network, including at least one further base transceiver station of the network;

a call setup information storage portion which stores the received call setup information; and

a hand-off control portion operable initially, following completion of said call setup process, to cause the mobile station to communicate with said first base transceiver station and operable when, during the course of the call it is determined that the mobile station should communicate with the, or one of the, further base transceiver stations, to employ the stored call setup information received in the call setup process to activate said uplink and downlink channels between the mobile station and that further base transceiver station," as recited in claim 18. (Emphasis added)

Accordingly, Applicant respectfully submits that claim 44, together with claims 45-47 dependent therefrom, is patentable over Yamashita for at least the foregoing reasons. Claim 63 incorporates features that correspond to those of claim 44 recited above. Accordingly, Applicant respectfully submits that claim 63 is patentable over Yamashita for at least the same reasons.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

84187235\_1.DOC